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Human rights situations that require the Council's attention

Albania, Andorra,* Austria,* Belgium, Bosnia and Herzegovina,* Bulgaria,* Canada,* Costa Rica,* Croatia,* Cyprus,* Czech Republic,* Denmark,* Estonia,* Finland,* France, Georgia, Germany, Greece,* Hungary,* Iceland,* Ireland,* Italy,* Latvia, Liechtenstein,* Lithuania,* Luxembourg,* Malta,* Monaco,* Montenegro,* Netherlands, Norway,* Poland,* Portugal, Republic of Moldova,* Romania,* San Marino,* Slovakia,* Slovenia, Spain,* Sweden,* the former Yugoslav Republic of Macedonia, Turkey,* United Kingdom of Great Britain and Northern Ireland, United States of America:* draft resolution

31/... Situation of human rights in Myanmar

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights, and reaffirming previous resolutions on the situation of human rights in Myanmar, the most recent being Human Rights Council resolutions 28/23 of 28 March 2015 and29/21 of 3 July 2015, and General Assembly resolution 70/233 of 23 December 2015,

Welcoming the work and the reports of the Special Rapporteur on the situation of human rights in Myanmar and the cooperation of the Government of Myanmar with the Special Rapporteur, including the facilitation of her visit to the country from 3 to 7 August 2015, and the agreement to a visit in February 2016, which was subsequently postponed,

Recalling its resolution 5/1, on institution-building of the Human Rights Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

1. *Welcomes* the continued positive developments in Myanmar towards political and economic reform, democratization, national reconciliation, good governance and the rule of law, and the efforts made to promote and protect human rights, and, while recognizing the scale of the reform effort undertaken to date, encourages the Government to take further steps to consolidate the progress made and to address outstanding issues;

* Non-member State of the Human Rights Council.

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2. *Also welcomes* the peaceful and competitive conduct of the elections on 8 November 2015 and the efforts made towards ensuring a credible electoral process, while expressing concern over a number of shortcomings and the need for continued reforms to ensure that all the people of Myanmar, inclusive of religious and ethnic minorities, including the Rohingya minority, can participate in electoral processes and have their votes fully reflected in the overall composition of the Parliament;

3. *Further welcomes* the inauguration of the new Parliament on 1 February 2016 and the election of a new President on 15 March 2016, encourages the continued smooth and undisturbed transfer of power as significant steps towards democracy, and calls upon all actors to consolidate the democratic transition by bringing all national institutions, including the military, under a civilian government;

4. *Welcomes* the signing of the nationwide ceasefire agreement in October 2015, while calling for further steps towards national reconciliation, an end to violence and the pursuit of an inclusive and comprehensive national political dialogue, including efforts by the Government and the military to reach agreement with those ethnic groups that have not yet signed the ceasefire, and urging all actors to ensure effective participation of women, particularly from conflict-affected communities, in all decision-making and other activities with the objective of achieving lasting peace, and allow and facilitate rapid and unfettered humanitarian access to civilians in need throughout the country;

5. *Recalls* its serious concerns over human rights violations, including regarding the situation in Rakhine State and particularly with respect to persons belonging to religious and ethnic minorities, including the Rohingya minority, and urges the Government of Myanmar to repeal discriminatory legislative and policy measures, to lift restrictions on movement that impede access to health and education services, to intensify its efforts to address discrimination, to counter incitement to hatred and hate speech leading to violence, to promote equality, tolerance and peaceful coexistence in all sectors of society, and to address economic deprivation and displacement;

6. *Calls upon* the Government of Myanmar to take further steps to consolidate the progress made to end all remaining human rights violations, to protect the human rights of all, including of women, children and persons belonging to minorities, and to address outstanding concerns, in particular regarding the right to freedom of religion or belief and the right to freedom of expression, association and peaceful assembly, which are essential to ensure a safe and enabling environment, notably for civil society, journalists and human rights defenders who need to be recognized publicly for their instrumental role in the promotion and protection of human rights;

7. *Encourages* the Government of Myanmar to take further steps to strengthen democratic institutions, good governance and the rule of law, stresses the need for review and reform of legislation, including the Constitution, to ensure adherence with international norms and standards, and the need for a more independent, impartial and effective judiciary, and an independent and self-governing legal profession;

8. *Welcomes* the recent release of political prisoners, while urging the Government of Myanmar to fulfil its commitment to unconditionally release all political prisoners, in accordance with its obligation to ensure that no one remains in prison owing to his or her political beliefs or actions, including those recently detained or convicted, and to provide for the full rehabilitation of former political prisoners;

9. *Also welcomes* the recent steps towards the adherence to international human rights conventions, encourages the Government of Myanmar to actively consider the ratification of additional international human rights conventions and the optional protocols thereto, and calls for the full implementation of its obligations under international human rights law and international humanitarian law, as well as of other relevant agreements and

commitments, including the commitment of the Government to open a country office of the Office of the United Nations High Commissioner for Human Rights, with a full mandate and in accordance with the mandate of the High Commissioner;

10. *Calls upon* the international community to support the national efforts made by Myanmar and its institutions to strengthen the rule of law in the country, and to continue to support the Myanmar National Human Rights Commission, through technical assistance and capacity-building programmes, with a view to enabling it to contribute effectively to the promotion and protection of human rights, in accordance with the Paris Principles;

11. *Encourages* all business enterprises, including transnational corporations and domestic enterprises, to respect human rights in accordance with the Guiding Principles on Business and Human Rights, and calls upon the Government of Myanmar and the home States of business companies operating in Myanmar to fulfil their duty to protect human rights;

12. *Welcomes* the cooperation of the Government of Myanmar with the International Labour Organization, encourages the continued implementation of the memorandum of understanding for the elimination of the use of forced labour in Myanmar and its associated action plan, and the supplementary understanding containing the forced labour complaints mechanism, also encourages further cooperation with the Office of the High Commissioner and with all United Nations special procedures, and invites the international community to further support the Government of Myanmar, including through technical assistance and capacity-building, in the fulfilment of its international human rights obligations and commitments, the advancement of democratization and its economic and social development;

13. *Decides* to extend the mandate of the Special Rapporteur on the situation of human rights in Myanmar for a further period of one year, requests the Special Rapporteur to submit a progress report to the General Assembly at its seventy-first session and to the Human Rights Council in accordance with its annual programme of work, and invites the Special Rapporteur to continue to monitor the situation of human rights, to measure progress in the implementation of the recommendations made by the Special Rapporteur, including those contained in her report submitted to the Council at its thirty-first session,[1] and to work with the Government of Myanmar to identify benchmarks for progress and priority areas for technical assistance and capacity-building;

14. *Welcomes* the ongoing cooperation with the Special Rapporteur, and calls upon the Government of Myanmar to continue its cooperation with the Special Rapporteur in the exercise of the mandate, including by facilitating further visits and access throughout the country;

15. *Requests* the Secretary-General and the High Commissioner to provide the Special Rapporteur with the assistance and resources necessary to enable her to discharge the mandate fully.

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[1] A/HRC/31/71.